

FEDERAL REGISTER

THE NATIONAL ARCHIVES
OF THE UNITED STATES
1934

VOLUME 3 NUMBER 231

Washington, Tuesday, November 29, 1938

The President

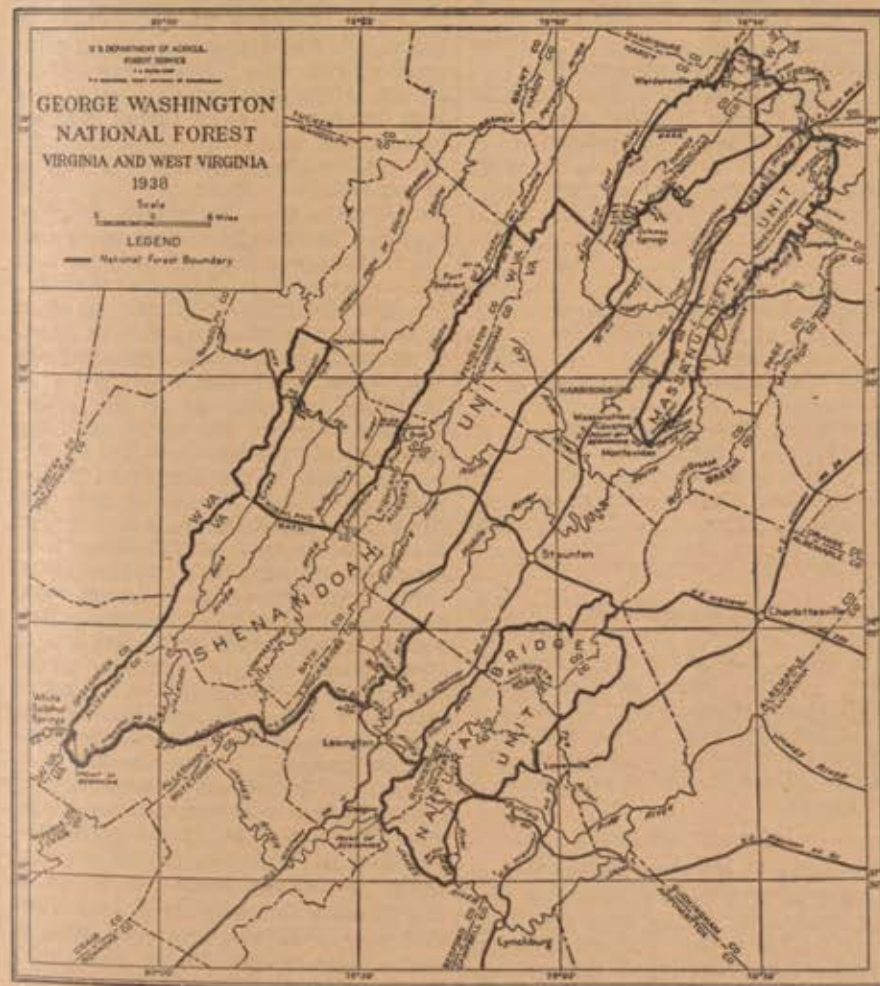
GEORGE WASHINGTON NATIONAL FOREST—
VIRGINIA AND WEST VIRGINIA
BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLAMATION

WHEREAS it appears to be in the public interest to redefine the boundaries of the George Washington National

Forest in the States of Virginia and West Virginia, as designated by Proclamation No. 2167 of April 28, 1936 (49 Stat. 3513, 1 F. R. 297):

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), the act of June 4, 1897, 30 Stat. 34, 36 (U. S. C., title 16, sec. 473), and



CONTENTS

THE PRESIDENT

Proclamations:	Page
Arches National Monument, Utah, enlargement.....	2782
George Washington National Forest, Va., and W. Va., boundaries redefined.....	2779
Executive Order:	
Waubay Migratory Waterfowl Refuge, S. Dak., enlargement.....	2783

RULES, REGULATIONS, ORDERS

TITLE 7—AGRICULTURE:	
Agricultural Adjustment Administration:	
Fire-cured and dark air-cured tobacco, apportionment and adjustment of national quota for 1938-39 marketing year.....	2783
Naval stores conservation program, 1939, amendment.....	2783
Rice, national acreage allotment, calendar year 1939.....	2784
Sugar Division:	
California, wage rates, 1939 crop of sugar beets.....	2784
Hawaii, wages, sugarcane production, January 1 to December 31, 1938.....	2785
Puerto Rico, direct-consumption portion of 1938 sugar quota for.....	2785
TITLE 10—ARMY:	
War Department:	
Reserve Officers' Training Corps, administration and training.....	2786
TITLE 49—TRANSPORTATION AND RAILROADS:	
Interstate Commerce Commission:	
Security for protection of public (surety bonds with individual sureties).....	2787
Switching and terminal companies of Class III, annual reports from.....	2786

(Continued on next page)



Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; single copies 10 cents each; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the FEDERAL REGISTER should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

CONTENTS—Continued

NOTICES

Civil Aeronautics Authority:	Page
Airline Feeder System, Inc., hearing on application for certificate of public convenience and necessity.....	2790
Department of Agriculture:	
Agricultural Adjustment Administration:	
Greater Boston, Mass., Marketing Agreement, hearing on amendment of order and marketing agreement on handling of milk.....	2787
Rice marketing quota for year beginning August 1, 1939, instructions for holding referendum.....	2787
Department of Labor:	
Wage and Hour Division:	
Fair Labor Standards Act, change in date of hearing on amendment of section relative to "area of production".....	2789
National Association of Hosiery Manufacturers, etc., hearing on application to employ learners at wage rates less than applicable minimum specified.....	2790
Federal Power Commission:	
Orders setting dates of hearings:	
Iroquois Gas Corp.....	2790
Kentucky Utilities Co., and Lexington Utilities Co.....	2791
Metropolitan Edison Co., et al (postponement).....	2790
Portland General Electric Co., and Mt. Hood Electric Co.....	2791

CONTENTS—Continued

Federal Trade Commission:	
Orders appointing examiners, etc.:	Page
Associated News Photographic Service, Inc., and Blackstone Studios, Inc., etc.....	2792
Berkeley Studios International Press Service, Inc., and Fred Friedwald.....	2793
Canadian Fur Trappers Corp., and Daniel, Jacob, and Morris Dornfeld.....	2792
Clairol, Inc., et al.....	2793
Corn Products Refining Co., etc.....	2793
Council, Clarence B., trading as Statistical Research Bureau, etc.....	2792
Popper & Klein, trading as Perfektum Products Co.....	2792
Shaw & Davis, Inc., et al.....	2793
Waldes Koh-I-Noor, Inc., and Grey Advertising Agency, Inc.....	2791
Wool Industry, notice of opportunity to present views, etc., on trade practice rules.....	2791
Securities and Exchange Commission:	
Connecticut Light & Power Co., issue and sale of bonds.....	2794
Federal Light & Traction Co., hearing.....	2795
Madison Gas and Electric Co., issue and sale of bonds.....	2794
Market Street Railway Co., order relating to unlisted trading privileges.....	2795
Minneapolis, St. Paul & Sault Ste Marie Railway Co., listing and registration.....	2795
Public Service Co. of Colorado, hearing.....	2796
West Penn Power Co., effectiveness of declaration; jurisdiction over fees.....	2794
United States Maritime Commission:	
Baltimore Mail Steamship Co., Matson Navigation Co., United States Lines Co., hearing on applications by.....	2796
section 11 of the act of March 1, 1911, 36 Stat. 963 (U. S. C., title 16, sec. 521), do proclaim that there are hereby reserved and set apart as the George Washington National Forest all lands of the United States within the following-described boundaries as shown on the diagram attached hereto and made a part hereof:	
Shenandoah Unit	
Beginning at the intersection of U. S. Highway 60 with the Virginia-West Virginia State line; thence with said State line in a northeasterly and southeasterly direction approximately 85 miles to the intersection of said State line with Straight Fork approximately ¼ of a	

mile north of the Village of Hardscrabble, Va.; thence southwesterly leaving the State line and up Straight Fork to its headwaters; thence southwesterly, crossing the divide between Straight Fork and Back Creek to the headwaters of Back Creek; thence southwesterly down Back Creek approximately 16 miles to the intersection of said creek with the Highland-Bath County line, Va.; thence with said County line in a southeasterly direction to Cowpasture River; thence northeasterly with west bank of Cowpasture River passing corner 4 of the Bess E. Byrd tract 219 to the mouth of Carroll Draft; thence up Carroll Draft to Route 614; thence northerly with said Route to its intersection with the South Fork South Branch Potomac River; thence northeasterly approximately 22 miles with the South Fork South Branch Potomac River crossing the Va.-W. Va. State line to the mouth of Stony Run, a point approximately 1½ miles south of Fort Seybert, W. Va.; thence northeasterly on a straight line to the intersection of Route 3 with Route 14; thence northeasterly with Route 3 to the Pendleton-Hardy County line; thence southeasterly with said County line to the Va.-W. Va. State line; thence northeasterly and southeasterly with said State line to its intersection with Route 58 Hardy County, W. Va., which is Route 259, Rockingham Co., Va.; thence northeasterly on a straight line to corner 37 of the Shenandoah Lumber and Iron Company tract 1c; thence with the boundary of said tract reversed to corner 34; thence northeasterly on a straight line to corner 8 of the Union Tanning Co. tract 51; thence with the boundary of said tract reversed to corner 4; thence northeasterly on a straight line to corner 5 of the Union Tanning Co. tract 53; thence with the boundary of said tract reversed to corner 45 which is corner 18 of the Isaac Bowman tract 127; thence with said tract to corner 19 which is corner 27 of the Union Tanning Co. tract 53; thence with the boundary of said tract reversed to corner 24 which is also corner 24 of the Miller Heirs tract 30; thence with said tract to corner 25 which is corner 4 of the Jas. L. Garrett tract 52; thence with boundary of said tract reversed to a point in line of corners 3-2, said point being corner 7 of the Charles A. Garrett tract 198; thence with a line of said tract reversed to corner 6; thence northeasterly on a straight line to the intersection of Route 58 and Schoolhouse Run; thence southeasterly on a straight line to corner 7 of the Orndorff and Miley tract 454; thence northeasterly on a straight line to corner 3 of the Catherine Yard tract 132; thence northeasterly with the boundary of said tract to corner 5; thence northeasterly on a straight line to corner 14 of said tract 132; thence northeasterly on a straight line to corner 17 of said tract 132; thence northeasterly on a straight line to U. S. G. S. triangulation Station,

Hommon; thence northeasterly on a straight line to a point where Three Springs Run empties into Lost River; thence down Lost River to a point where it crosses the Barney and Landacre tract 3b between corners 7 and 8 at 1.47 chains southwest of corner 8; thence northeasterly and southeasterly with said tract to a point where Lost River again crosses said tract between corners 8 and 9; thence with Lost River to its intersection with the Barney and Landacre tract 3a between corners 6 and 7; thence with the boundary of said tract reversed to corner 5 which is corner 6 of the B. F. Tharp tract 250c a point on the southwest bank of Lost River; thence with tract 250c to corner 7; thence leaving said tract and with Lost River to its intersection with the boundary of the B. F. Tharp tract 250c between corners 8 and 1; thence with said tract boundary to a point where Lost River again crosses said tract line between corners 8 and 1; thence northeasterly with Lost River to a point where it merges into the Cacapon River; thence with the west bank of Cacapon River to the corporate limits of Wardensville; thence with the west, south and east corporate limits of Wardensville to Route 23; thence with said Route in a northeasterly direction to its intersection with Route 5; thence with said Route in a northeasterly direction to its intersection with Slate Rock Run; thence northwesterly with said Run to Cacapon River; thence with west bank of Cacapon River to its intersection with Route 16; Hampshire County, W. Va.; thence southeasterly with Route 16 to its intersection with the Charles F. Nelson tract 81c a point between corners 5 and 6 of said tract; thence with the boundary of tract 81c reversed to a point in line between corners 3 and 2 where Route 16 crosses said line; thence southeasterly with Route 16 to the W. Va.-Va. State line; thence continuing on the same Route which becomes Route 609 on entering Frederick County, Va., to Route 55; thence southeasterly with Route 55 to its intersection with Route 604; thence southwesterly on a straight line to corner 1 of the Williamson and Moul tract 70; thence southeasterly with the boundary of said tract reversed to corner 32; thence southwesterly on a straight line to corner 4 of the St. Luke Hospital tract 75b-2; thence southwesterly on a straight line to corner 2 of the St. Luke Hospital tract 75a; thence southeasterly on a straight line to corner 3 of the Paul J. Williams tract 361; thence southeasterly on a straight line to corner 10 of the St. Luke Hospital tract 75c; thence southeasterly with a line of said tract to corner 11; thence southeasterly on a straight line to the intersection of Route 646 with Route 623; thence southwesterly with Route 623 to the point of intersection with Toms Brook; thence southwesterly on a straight line to corner 102 of the Shen-

andoah Iron and Coal Co. tract 100a; thence southwesterly on a straight line to corner 154; thence to corner 155; thence southwesterly on a straight line to corner 160; thence northwesterly on a straight line to corner 172; thence following the south boundary of the Isaac Zane lap to corner 174 of the said tract 100a; thence southwesterly on a straight line to corner 23 of the Shenandoah Iron and Coal Co. tract 100b; thence southwesterly on a straight line to corner 29; thence southwesterly with the boundary of said tract 100b to corner 36 which is corner 4 of the Wetherholtz Heirs tract 148; thence southerly with the boundary of tract 148 reversed to corner 3; thence westerly on a straight line to corner 2 of the Shenandoah Iron and Coal Co. tract 100b; thence following the boundary of said tract to point in line between corners 7 and 8 where Stony Creek crosses said line; thence leaving the tract boundary and down Stony Creek to the mouth of Laurel Run; thence up Laurel Run to a point where Route 691 crosses it; thence northwesterly with Route 691 to its junction with Route 717; thence southwesterly with said Route to its intersection with Route 720; thence southwesterly on a straight line to corner 12 of the B. F. Anderson tract 113; thence with the boundary of said tract to a point in line between corners 14 and 15 where Route 717 crosses said line; thence southerly with said Route to its junction with Route 265; thence with Route 265 to its junction with Route 263; thence southwesterly with Route 263 to its junction with Route 610 at Orkney Springs, Va.; thence southwesterly with Route 610 to a point in line between corners 8 and 9 of the Nevin C. Funkhouser tract 163; thence with the boundary of tract 163 reversed to corner 8; thence southeasterly on a straight line, passing into Rockingham County, to corner 7 of the M. A. Williams tract 608; thence southwesterly on a straight line to corner 5 of the Lennig Estate tract 30c-VI; thence southwesterly with a line of said tract to corner 1; thence southwesterly on a straight line to corner 6 of the Lennig Estate tract 30c-V; thence southwesterly with said tract 23 chains to a point in line between corners 6 and 7 where Sours Run emerges from said tract; thence down Sours Run to its confluence with Runions Creek; thence down Runions Creek to its confluence with the North Fork Shenandoah River; thence down said river to the bridge where Route 613 crosses; thence southwesterly on a straight line to corner 1 of the Mary H. Murray tract 16; thence southwesterly on a straight line passing into Augusta County, Va., to corner 12 of the Samuel B. Loose tract 8; thence with a line of said tract to corner 13; thence southwesterly on a straight line to corner 7 of the Chesapeake Western Ry. tract 3; thence with a line of said tract to corner 8; thence southwesterly on a straight line to corner 3 of the Frank Chichester tract 47-I; thence

southwesterly with boundary of said tract to corner 7; thence southwesterly on a straight line to corner 14 of the P. G. & R. H. Stratton tract 552; thence southwesterly on a straight line to corner 4 of said tract; thence southwesterly on a straight line to corner 7 of the Buffalo Gap Development Co. tract 492; thence southwesterly with boundary of said tract to corner 10; thence southwesterly on a straight line to a point on the Chesapeake and Ohio Ry. in Buffalo Gap; thence southwesterly with said railroad to corner 6 of the Peter McLaren Estate tract 518; thence leaving the railroad right of way southwesterly on a straight line to corner 6 of the V. P. Kunkle tract 519; thence southwesterly on a straight line to corner 16 of the H. B. Hutchison tract 488; thence with the boundary of said tract reversed to corner 14; thence southwesterly on a straight line to corner 9 of the said tract 488; thence southwesterly with the boundary of said tract reversed to corner 8; thence southwesterly on a straight line to corner 4 of the C. G. Craig tract 516; thence southwesterly to corner 1 of the E. C. Chamberlain et al. tract 484; thence southwesterly on a straight line passing through corner 5 of the R. E. R. Nelson tract 489 to the Augusta-Rockbridge County line; thence southeasterly with said county line to its intersection with Route 602; thence southwesterly with Route 602 to its junction with Route 501; thence northwesterly with Route 501 to its junction with Route 623; thence southwesterly with said Route 623 to its junction with Route 631; thence northwesterly with said Route 631 to its junction with U. S. Highway 60; thence westerly with said highway to the point of beginning.

Massanutten Unit

Beginning at a concrete tank on top of hill over the Massanutten Caverns, approximately 6 miles southeast of Harrisonburg, Virginia; thence northeasterly on a straight line to the intersection of Route 721 with Route 620; thence southeasterly and northeasterly with Route 620 to its intersection with U. S. Highway 211; thence with U. S. Highway 211 and Route 620 southeasterly to the point where Route 620 leaves U. S. Highway 211; thence northeasterly on a straight line to the intersection of Route 699 with a private road coming from the south at Walkers Chapel; thence northeasterly on a straight line to corner 10 of Wilkins and Bowman tract 600; thence with boundary of said tract northerly to corner 1; thence northeasterly on a straight line to a point on the North Fork of Shenandoah River at the mouth of a small drain directly south of a small Island where said river bends sharply northward; thence down the North Fork of Shenandoah River to corner 3 of the Town of Woodstock tract 410; thence northeasterly on a straight line to corner 9 of H. B. Chapman tract 1a-1b; thence with the boundary of said tract

reversed to corner 3 which is corner 3 of the H. B. Chapman tract 1a-II; thence with tract 1a-II to corner 4; thence with the boundary of said tract to corner 1, a point in line between corners 1 and 2 of tract 1a-Ib; thence northeasterly with said tract to corner 2 of tract 1a-I; thence with a line of said tract to corner 3; thence northeasterly on a straight line to corner 5 of the Mary E. McInturff tract 65; thence with a line of said tract to corner 4; thence northeasterly on a straight line to corner 6 of the Ricketts and Graham tract 68-I; thence with a line of said tract to corner 7; thence northeasterly on a straight line to corner 33 of the Ricketts and Graham tract 68; thence northeasterly on a straight line to corner 26 of said tract; thence northeasterly with 6 courses of said tract reversed to corner 20; then northeasterly on a straight line to corner 2 of the Frank Tewalt tract 160; thence with meanders of said tract to corner 3; thence on a straight line northeasterly to corner 6 of said tract; thence on a straight line northeasterly to the junction of Route 636 with Route 55; thence easterly with said Route 55 (new location) to its intersection with Forest Highway 74; thence southwesterly with said highway to its junction with Route 613; thence southerly with Route 613 to its intersection with a small stream at forks of road; thence easterly with said stream to South Fork Shenandoah River; thence up said river, passing into Page County, to the first ford, a point about 1½ miles west of Compton; thence with a road westerly and southerly to its junction with Route 615; thence with Route 615 southwesterly to junction with U. S. Highway 211; thence westerly with said Highway and State Route 615 to a point where Route 615 leaves U. S. Highway 211; thence southwesterly on a straight line to corner 9 of the M. H. Jeffries et al tract 97; thence along the east boundary of said tract, the east boundaries of H. H. Rust tract 39 and the Allegheny Ore and Iron Co. tract 90 to corner 23 of said tract 90; thence southwesterly on a straight line to corner 19 of tract 90; thence southwesterly to corner 13; thence southwesterly on a straight line to corner 10; thence southwesterly to corner 9; thence southwesterly on a straight line to corner 5; thence with the boundary of said tract 90 reversed to corner 54; thence southerly on a straight line to a point on Batman Run where the Page-Rockingham County line intersects said Run; thence northwesterly with the Page-Rockingham County line to corner 51 of tract 90; thence with a line of said tract reversed to corner 50; thence southeasterly on a straight line to corner 5 of C. V. Harnsberger tract 828; thence southwesterly with a line of said tract to corner 6; thence southwesterly on a straight line to the intersection of Routes 646 and 647; thence with Route 647 to its intersection with Route 644; thence southwesterly on a straight line to the junction of Route 12 and U. S. Highway

33 at Montevideo; thence northwesterly on a straight line to the point of beginning.

Natural Bridge Unit

Beginning at the junction of North River with James River near the town of Glasgow, Virginia; thence up North River to Lowry Run; thence up Lowry Run and its North Fork to a point in line between corners 7 and 8 of the J. H. Paxton Heirs tract 7; thence northeasterly with the boundary of said tract 7 reversed to corner 2 which is corner 7 of the T. T. & W. E. Dickinson tract 293a; thence northwesterly with said tract 293a to corner 1 which is corner 18 of the French and Post tract 3; thence with the boundary of said tract reversed to corner 16h; thence northeasterly on a straight line to corner 16a; thence with the boundary of said tract 3 reversed to corner 16; thence northeasterly on a straight line to corner 7 of the Buena Vista Iron Co. tract 13; thence with the boundary of said tract to a point in line between corners 12 and 13 where the South Fork of Chalk Mine Run crosses said line; thence down South Fork of Chalk Mine Run and up Chalk Mine Run to where said Run crosses the French and Post tract 13, a point 0.41 chains southeast of corner 23; thence northeasterly with said tract 13 to corner 24; thence northerly on a straight line to the confluence of Stony Run with South River; thence northeasterly with South River to where Route 608 crosses a point between Mt. Joy Church and Pkin Station; thence with Route 608 to its junction with Route 610; thence with Route 610 to its junction with Route 633; thence northeasterly with Route 633 to its junction with Route 634; thence southeasterly with Route 634 to its junction with Route 610; thence with Route 610 to its intersection with Back Creek; thence down Back Creek to its intersection with the Norfolk and Western Railway; thence northeasterly with said railway to its intersection with U. S. Highway 250; thence southeasterly with U. S. Highway 250 to its junction with Route 609; thence with Route 609 to its intersection with Route 610; thence easterly on a straight line to a point where Route 610 joins Route 6; thence southerly with Route 6 to its junction with Route 151; thence southwesterly with Route 151 to its junction with Route 664; thence westerly with said Route to its junction with Route 680; thence southerly with Route 680 to its junction with Route 681; thence northerly and westerly with Route 681 to its junction with Route 655; thence southwesterly on a straight line to the junction of Route 666 with Route 678; thence southwesterly with Route 666 to its junction with Route 629 at Lowesville; thence northwesterly with Route 629 to its junction with Route 628; thence southwesterly on a straight line to the junction of Route 621 with Route 625; thence south-

erly with Route 625 to its intersection with Route 627; thence westerly with Route 627 to its junction with Route 617; thence southerly with Route 617 to its intersection with Route 631; thence southwesterly with Route 631 to its intersection with U. S. Highway 60; thence westerly with U. S. Highway 60 to its intersection with Route 635 at Dodds Ford; thence southwesterly on a straight line to corner 3 of the J. P. Phillips and A. D. Watts tract 19; thence with the boundary of said tract to corner 6, which is corner 2 of the C. M. Barnes tract 117; thence with the boundary of said tract 117 to corner 6; then southwesterly on a straight line to corner 2 of the C. H. Foster tract 16; thence southeasterly on a straight line to the junction of Route 647 with Route 649; thence southeasterly with Route 649 to its intersection with Pedlar River; thence southerly down Pedlar River to its confluence with James River; thence up James River to the place of beginning.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 23rd day of November in the [SEAL] year of our Lord nineteen hundred and thirty-eight, and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

[No. 2311]

[F. R. Doc. 38-3532; Filed, November 26, 1938; 11:09 a. m.]

ENLARGING THE ARCHES NATIONAL MONUMENT—UTAH

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS certain public lands contiguous to the Arches National Monument, in Utah, established by proclamation of April 12, 1929 (46 Stat. 2988), have situated thereon geologic and prehistoric structures of historic and scientific interest; and

WHEREAS there are other public lands contiguous to the said monument which are necessary for the proper care, management, and protection of the objects of scientific interest situated on the lands included in the monument and on the other lands referred to above; and

WHEREAS it appears that it would be in the public interest to reserve such lands as part of the said monument;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, c. 3060, 34

Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that, subject to all valid existing rights, the following-described lands in Utah are hereby reserved from all forms of appropriation under the public-land laws and added to and made a part of the said Arches National Monument:

SALT LAKE MERIDIAN—UTAH

- T. 23 S., R. 20 E.,
 sec. 12, S $\frac{1}{2}$.
 sec. 13, all.
 sec. 22, E $\frac{1}{2}$.
 sec. 23, all.
 sec. 24, N $\frac{1}{2}$.
 T. 23 S., R. 21 E.,
 sec. 7, S $\frac{1}{2}$.
 secs. 16 to 18, inclusive.
 sec. 19, N $\frac{1}{2}$.
 sec. 20, N $\frac{1}{2}$ and SE $\frac{1}{4}$.
 secs. 21 and 22.
 secs. 26 to 28, inclusive.
 secs. 34 and 35.
 T. 24 S., R. 21 E.,
 sec. 1, all.
 sec. 2, N $\frac{1}{2}$.
 sec. 3, N $\frac{1}{2}$.
 secs. 12 and 13.
 secs. 23 to 27 and 33 to 35, inclusive.
 sec. 36, N $\frac{1}{2}$ (all unsurveyed).
 T. 25 S., R. 21 E.,
 secs. 3 to 5 and 8 to 10, inclusive.
 secs. 15 to 17, inclusive.
 sec. 22, all.
 and all those parts of secs. 20, 21, 27
 and 28 north of State Highway No. 450.
 T. 24 S., R. 22 E.,
 sec. 4, W $\frac{1}{2}$.
 secs. 5 to 8, inclusive.
 sec. 9, W $\frac{1}{2}$.
 secs. 17 to 20, inclusive.
 secs. 29 to 30.
 sec. 31, N $\frac{1}{2}$.
 sec. 32, N $\frac{1}{2}$.
 aggregating approximately 29,160 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An act to establish a National Park Service, and for other purposes", approved August 25, 1916, 39 Stat. 535 (U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 25th day of November in the [SEAL] year of our Lord nineteen hundred and thirty-eight, and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

The Secretary of State.

[No. 2312]

[F. R. Doc. 38-3545; Filed, November 28, 1938; 11:07 a. m.]

EXECUTIVE ORDER

ENLARGING THE WAUBAY MIGRATORY WATERFOWL REFUGE

SOUTH DAKOTA

By virtue of and pursuant to the authority vested in me as President of the United States, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that all lands acquired or to be acquired by the United States within the following-described area, comprising 573.60 acres, more or less, in Day County, South Dakota, be, and they are hereby, reserved and set apart for the use of the Department of Agriculture, subject to valid existing rights, as an addition to the Waubay Migratory Waterfowl Refuge established by Executive Order No. 7245 of December 10, 1935: *Provided*, That any private lands within the areas described shall become a part of the refuge upon the acquisition of title thereto or control thereof by the United States:

FIFTH PRINCIPAL MERIDIAN

- T. 123 N., R. 53 W.,
 sec. 17, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 sec. 29, lots 1 and 2;
 T. 123 N., R. 54 W.,
 sec. 4, lot 1;
 sec. 5, lots 2, 3, and part of 4, NW $\frac{1}{4}$ SW $\frac{1}{4}$,
 and S $\frac{1}{2}$ SW $\frac{1}{4}$;
 sec. 6, lot 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and
 SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 T. 123 N., R. 54 W.,
 sec. 31, lot 4.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

Nov 25 1938

[No. 8013]

[F. R. Doc. 38-3533; Filed, November 26, 1938; 12:26 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

[Bulletin NSCP-301, Supp. No. 1]

AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 706—1939 NAVAL STORES CONSERVATION PROGRAM

Bulletin NSCP-301, setting forth the terms and conditions of the 1939 Naval Stores Conservation Program, approved by the Secretary of Agriculture, November 9, 1938,¹ is hereby amended, as follows:

I. Paragraph (e) of Section 706.4, headed, "Conditions of Payment—Performance Required," is amended to read as follows:

(e) Each participating producer shall make a net reduction in the number of operating faces in 1939 to the extent and in the manner as hereinafter prescribed, using as 100 percent the number of faces operated by him in 1938;

¹ 3 F. R. 2666 DL.

provided that where a producer has acquired from another producer (who, if operating in 1939, is a participant in the 1939 program) by lease, purchase or other form of control, prior to the filing of a work sheet, an additional turpentine farm or portion thereof, which had been worked by said other producer in 1938, he may use as his base (i. e., 100%) the number of faces represented by such acquisition, in addition to the number of faces which he worked in 1938, for the purpose of determining the percentage of reduction required under paragraph (g) of this section, and if such addition to the base is made and stated on a filed work sheet, together with evidence of the consent thereto by the producer from whom acquired, the same number of faces as acquired by the one producer shall be deducted from the base of the other producer. In cases where one producer secures faces from another producer who operated such turpentine farm or portion thereof in 1938, but who, if still operating in 1939, is not a participant in the 1939 program, said faces shall not become a part of the base of the operator who acquires them.

II. The concluding sentence of paragraph (g) of Section 706.4, headed, "Conditions of Payment—Performance Required," is amended to read as follows:

(g) * * *

The producer shall be permitted to discontinue operation on a larger net proportion, than is indicated above, of the total of those of his 1938 working faces that are less than 90 inches in height at the beginning of the 1939 season but will not receive payment for such net proportion of discontinued faces in excess of 40 per cent of his total of all 1938 working faces; provided that said 40 per cent limitation shall not apply to faces discontinued in 1939 on trees less than 9 inches d. b. h., and on trees between 9 and 14 inches d. b. h., as required by paragraphs (b) and (d) of this section; and provided further that payment shall be restricted to such discontinued faces on which the producer retains ownership, lease or other control throughout the period of the 1939 program.

Done at Washington, D. C., this 25th day of November, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-3538; Filed, November 26, 1938; 12:33 p. m.]

DETERMINATION OF APPORTIONMENT AND ADJUSTMENT OF NATIONAL MARKETING QUOTA FOR FIRE-CURED AND DARK AIR-CURED TOBACCO FOR 1938-39 MARKETING YEAR

Pursuant to section 313 of the Agricultural Adjustment Act of 1938 (approved

February 15, 1938), as amended, I. H. A. Wallace, Secretary of Agriculture, do hereby determine that the national marketing quota for Fire-Cured and Dark Air-Cured Tobacco for the 1938-39 marketing year, as proclaimed by the Secretary of Agriculture on February 18, 1938,¹ be apportioned and adjusted in accordance with the following table:

States and new farms (i. e., farms on which tobacco is produced for the first time in 5 years)	Apportionment of national marketing quota provided February 18, 1938	Adjustment pursuant to section 313 (f), 2% increase all States	Totals as apportioned and adjusted
(1)	(2)	(3)	(4)
	1,000 pounds	1,000 pounds	1,000 pounds
Virginia.....	21,832	437	22,269
Kentucky.....	72,410	1,448	73,858
Tennessee.....	47,017	940	47,957
Indiana.....	479	10	489
New Farms.....	3,262	0	3,262
Total.....	145,000	2,835	147,835

Done at Washington, D. C., this 25th day of November, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-3537; Filed, November 26, 1938;
12:33 p. m.]

NATIONAL ACREAGE ALLOTMENT OF RICE, CALENDAR YEAR 1939

BY THE SECRETARY OF AGRICULTURE OF
THE UNITED STATES OF AMERICA, A PROCLAMATION

Whereas the Agricultural Adjustment Act of 1938, approved February 16, 1938, as amended, provides:

SEC. 352. The national acreage allotment of rice for any calendar year shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the five calendar years immediately preceding the calendar year for which such national average yield is determined, produce an amount of rice adequate, together with the estimated carry-over from the marketing year ending in such calendar year, to make available a supply for the marketing year commencing in such calendar year not less than the normal supply. Such national acreage allotment shall be proclaimed not later than December 31 of each year.

SEC. 354. (a) Not later than December 31 of each year the Secretary shall ascertain from the latest available statistics of the Department and shall proclaim the total amount of rice which will be needed during the next succeeding marketing year to meet the requirements of consumers in the United States. Such amount is herein-after referred to as the "domestic allotment of rice".

SEC. 355. (a) If at the time of any proclamation made under the provisions of section 354 (a) it shall appear from the latest available statistics of the Department that the total supply of rice exceeds the normal supply thereof for the current marketing year by more than 10 per centum of such normal supply, the Secretary shall also pro-

claim that, beginning on the first day of the marketing year next following and continuing throughout such year a national marketing quota shall be in effect for marketing of rice by producers: *Provided*, That no marketing quota shall be in effect for the marketing year commencing August 1, 1938. The Secretary shall also ascertain and specify in such proclamation the amount of the national marketing quota in terms of the total quantity thereof which may be marketed by producers which shall be that amount of rice which the Secretary determines will make available during such marketing year a normal supply.

Whereas said act contains, in section 301 (b), the following definition of terms here pertinent:

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second dates specified below:

Rice, August 1—July 31; * * * * *
"Carry-over," in the case of * * * * * rice, for any marketing year shall be the quantity of the commodity on hand in the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current.

"Normal supply" in the case of * * * * * rice * * * * * shall be a normal year's domestic consumption and exports of the commodity, plus * * * * * 10 per centum in the case of rice, * * * * * of a normal year's domestic consumption and exports, as an allowance for a normal carry-over.

"Normal year's domestic consumption," in the case of rice, shall be the yearly average quantity of rice produced in the United States that was consumed in the United States during the five marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"Normal year's exports" in the case of * * * * * rice, shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during * * * * * the five marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

"Total supply" of * * * * * rice, * * * * * for any marketing year shall be the carry-over of the commodity for such marketing year plus the estimated production of the commodity in the United States during the calendar year in which such marketing year begins.

and

Whereas said act provides, in section 301 (c), as follows:

The latest available statistics of the Federal Government shall be used by the Secretary [of Agriculture] in making the determinations required to be made by the Secretary under this Act;

Now, therefore, be it known that I, H. A. Wallace, Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in me by the Act of Congress known as the Agricultural Adjustment Act of 1938, approved February 16, 1938, as amended, upon the basis of the latest available statistics of the Federal Government, do hereby find, determine, and proclaim under sections 352, 354 (a), and 355 (a) of said Act:

(1) That the total amount of rice which will be needed during the marketing year beginning August 1, 1939, to meet

the requirements of consumers in the United States (i. e., the "Domestic Allotment") is 10,920,000 barrels.

(2) That the "estimated production" of rice during the calendar year 1938 is 14,990,000 barrels.

(3) That the "carry-over" of rice for the marketing year beginning August 1, 1938, is 1,900,000 barrels.

(4) That the "total supply" of rice for the marketing year beginning August 1, 1938, is 16,890,000 barrels.

(5) That a "normal year's domestic consumption" of rice is 10,920,000 barrels.

(6) That a "normal year's exports" of rice is 1,670,000 barrels.

(7) That the "normal supply" of rice for the marketing year beginning August 1, 1938, is 13,849,000 barrels.

(8) That the "total supply" of rice for the marketing year beginning August 1, 1938, exceeds by more than 10 per centum the "normal supply" of rice for such marketing year.

(9) That the "estimated carry-over" of rice, as of August 1, 1939, is 2,110,000 barrels.

(10) That the amount of the national marketing quota of rice in terms of the total quantity thereof which may be marketed by producers which will make available during the marketing year beginning August 1, 1939, a normal supply is 11,974,000 barrels.

(11) That the "national average yield" of rice for the five calendar years 1934-1938, inclusive, is 13.62 barrels.

(12) That the "national acreage allotment" of rice for the calendar year 1939 is 862,000 acres.

As used herein, a barrel is 162 pounds of rough rice.

Done at Washington, D. C. this 26th day of November 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-3558; Filed, November 28, 1938;
12:25 p. m.]

SUGAR DIVISION

DETERMINATION OF FAIR AND REASONABLE
WAGE RATES FOR PERSONS EMPLOYED IN
THE PRODUCTION, CULTIVATION OR HAR-
VESTING OF THE 1939 CROP OF SUGAR
BEETS IN CALIFORNIA

Whereas, Section 301 (b) of the Sugar Act of 1937 provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

(b) That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the

¹ 3 F. R. 508 DI.

standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, and the differences in conditions among various producing areas: *Provided, however*, That a payment which would be payable except for the foregoing provisions of this subsection may be made, as the Secretary may determine, in such manner that the laborer will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work, and that the producer will receive the remainder, if any, of such payment.

and

Whereas, the Secretary of Agriculture, pursuant to a notice of hearing dated August 10, 1938,¹ held public hearings for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable wage rates for persons employed in the production, cultivation or harvesting of the 1939 crop of sugar beets.

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearings and all other information before me, do hereby determine fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1939 crop of sugar beets as follows:

SOUTHERN CALIFORNIA²

Blocking and thinning.—Either \$6.50 per acre on a piece work basis or 35 cents per hour on a time basis.

First hoeing.—Either \$1.50 per acre on a piece work basis or 30 cents per hour on a time basis.

Second and subsequent hoeings.—Either \$1.00 per acre for each hoeing on a piece work basis or 30 cents per hour on a time basis.

Topping and loading.—On a time basis 40 cents per hour. On a piece work basis:

Net tons per acre	Rate per ton	Net tons per acre	Rate per ton
Below 5 ¹	\$1.93	13	\$0.91
5	1.63	14	.86
6	1.48	15	.82
7	1.33	16	.78
8	1.23	17	.75
9	1.15	18	.72
10	1.08	19	.70
11	1.02	20 or above	.69
12	.96		

¹ All fractional tonnages between 5 and 20 tons shall be paid in proportion, within each interval.

NORTHERN CALIFORNIA²

Blocking and thinning.—Either \$7.50 per acre on a piece work basis or 40 cents per hour on a time basis.

¹ 3 F. R. 1971 DI.

² Applicable to farms located in the following counties: Imperial, Santa Barbara, San Diego, San Luis Obispo, Orange, Kern, Riverside, Kings, San Bernardino, Tulare, Los Angeles, Fresno, Ventura.

³ Applicable (a) to farms located in counties in California other than those specified in footnote 1, and (b) to farms located outside California from which sugar beets are contracted to be delivered to factories located in counties in California other than those specified in footnote 1.

First hoeing.—Either \$2.00 per acre on a piece work basis or 35 cents per hour on a time basis.

Second and subsequent hoeings.—Either \$1.50 per acre for each hoeing on a piece work basis or 35 cents per hour on a time basis.

Topping and loading.—On a time basis 45 cents per hour. On a piece work basis:

Net tons per acre	Rate per ton	Net tons per acre	Rate per ton
Below 5 ¹	\$2.28	13	\$1.01
5	1.96	14	.96
6	1.68	15	.92
7	1.43	16	.88
8	1.33	17	.85
9	1.25	18	.82
10	1.18	19	.80
11	1.12	20 or above	.79
12	1.06		

¹ All fractional tonnages between 5 and 20 tons shall be paid in proportion, within each interval.

Provided, however, That in addition to the foregoing, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as, a house, garden plot, and similar incidentals; and *Provided further*, That the foregoing shall not be construed to mean that a producer may qualify for payment who has not paid in full the amount agreed upon between the producer and the laborer; and *Provided further*, That the producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above.

Done at Washington, D. C., this 25th day of November, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-3536; Filed, November 26, 1938; 12:32 p. m.]

DETERMINATION OF FAIR AND REASONABLE WAGES FOR PERSONS EMPLOYED IN THE PRODUCTION, CULTIVATION, OR HARVESTING OF SUGARCANE IN HAWAII DURING THE PERIOD JANUARY 1, 1938, TO DECEMBER 31, 1938

Whereas Section 301 (b) of the Sugar Act of 1937 provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, and the differences in conditions among various producing areas: *Provided, however*, That a payment which would be payable except for the foregoing provisions of this subsection may be made, as the

Secretary may determine, in such manner that the laborer will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work, and that the producer will receive the remainder, if any, of such payment, and

Whereas the Secretary of Agriculture has held a number of public hearings¹ in Hawaii for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable wage rates for persons employed in the production, cultivation or harvesting of sugarcane in Hawaii during the period January 1, 1938, to December 31, 1938; and

Whereas the evidence submitted indicates that the sugarcane growers in Hawaii have voluntarily increased average payments to labor in 1938 above the level prevailing during the calendar year 1937:

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearings and all other information before me, do hereby determine that the wages which have been paid in Hawaii during the calendar year 1938 shall be deemed to be fair and reasonable, provided laborers (except those who are paid monthly salaries of \$100 or more) shall have received for the calendar year 1938 not less than the wages they would have received if the bonus system in effect on September 1, 1938, had been continued to December 31, 1938: *Provided, however*, That in computing the resulting increment, conditional payments at the flat rate of 50 cents per hundred pounds of sugar shall be considered as part of the price of sugar; and *provided further*, That (1) the producer shall provide laborers free of charge with the perquisites customarily furnished by him, (2) all laborers shall have been paid in full for all work at not less than the rates agreed upon, such rates in the case of long term cultivation or irrigation agreements in effect or entered into during the period from January 1, 1938, to December 31, 1938, to be the amounts due and payable under such agreements in said period for such work, and (3) the producer shall not through any subterfuge or device whatsoever reduce the wage rates to laborers below those determined above.

Done at Washington, D. C., this 25th day of November, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-3535; Filed, November 26, 1938; 12:32 p. m.]

[P. R. Sugar Order No. 11, Supp. 1]

SUPPLEMENT TO DECISION AND ORDER ALLOTING DIRECT-CONSUMPTION PORTION OF 1938 SUGAR QUOTA FOR PUERTO RICO

Pursuant to notice of hearing issued October 6, 1938,² a hearing was held in

¹ 3 F. R. 2671 DI.

² 3 F. R. 2431 DI.

Washington, D. C., on October 25-26, 1938, for the purpose, among others, of amending Puerto Rico Sugar Order No. 11, issued June 1, 1938,¹ by allotting among Puerto Rican processors of direct-consumption sugar the portion of the unallotted reserve established therein which was unfilled on November 15, 1938.

Section 205 (a) of the Sugar Act of 1937 (hereinafter referred to as the "act") provides, in part, as follows:

The Secretary may also, upon such hearing and notice as he may by regulations prescribe, revise or amend any such allotment upon the same basis as the initial allotment was made.

In view of this provision of the act, it is necessary in allotting the unallotted reserve to apply the same basic formula as was used in Puerto Rico Sugar Order No. 11.

The amount of the unallotted reserve set out in Puerto Rico Sugar Order No. 11, is 5,712 short tons of sugar, raw value. As of November 15, 1938, the records of the Department of Agriculture show that only 200 short tons of sugar, raw value, have been charged against this unallotted reserve.

The processors receiving an allotment under Puerto Rico Sugar Order No. 11 offered no testimony at the hearing in opposition to the allotment of the unallotted reserve, nor did they offer any testimony in support of a change in the basic figures underlying the allotments set forth in that order.² Therefore, employing the same basis of allotment as was applied in Puerto Rico Sugar Order No. 11, the per centum of the unallotted reserve applicable to each processor would be as follows:⁴

	Per centum
Porto Rico American Sugar Refinery..	78.104
Aguirre	2.862
Carmen	0.052
Guanica	3.150
Igualdad	4.542
Rolig	9.838
San Francisco	1.452

On the basis of the record of the hearing of October 25-26, 1938, and the official statistics of the Department of Agriculture, I hereby find:

(1) That as of November 15, 1938, the unfilled balance of the unallotted reserve established in Puerto Rico Sugar Order No. 11, was 5,512 short tons of sugar, raw value.

¹ 3 F. R. 1279 DI.

² The representative of Central Igualdad contended that the unallotted reserve should be allotted on a different basis from that used in establishing the initial allotments (R. p. 145), but such procedure would not comply with the provisions of section 205 (a) of the act.

⁴ Expert testimony on behalf of the Camuy Sugar Company indicates a mill refining capacity for that company of 100 short tons of sugar per day (R. p. 65). Applying the basis used in Puerto Rico Sugar Order No. 11, this company would be entitled to 1,684 per centum of the unallotted reserve. However, in view of the statement of the representative of the Camuy Sugar Company that the company would be unable to market any direct-consumption sugar in 1938 (R. pp. 57, 58), no allotment can be made to it from the unallotted reserve.

(2) That upon the basis of the formula used in establishing the allotments in Puerto Rico Sugar Order No. 11, the per centum of the said unfilled balance of the unallotted reserve for each Puerto Rican processor is as follows:

	Per centum
Porto Rico American Sugar Refinery..	78.104
Aguirre	2.862
Carmen	0.052
Guanica	3.150
Igualdad	4.542
Rolig	9.838
San Francisco	1.452

On the basis of the foregoing and after consideration of the briefs submitted by interested persons following the hearing of October 25-26, 1938, it is hereby ordered that the allotments set forth in Puerto Rico Sugar Order No. 11 be, and they hereby are, increased as follows:

	Additional direct consumption allotment (short tons, raw value)
Porto Rico American Sugar Refinery..	4,305
Aguirre	158
Carmen	3
Guanica	174
Igualdad	250
Rolig	542
San Francisco	80
	5,512

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 25th day of November 1938.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-3534; Filed, November 26, 1938; 12:32 p. m.]

TITLE 10—ARMY WAR DEPARTMENT

PART 62—RESERVE OFFICERS' TRAINING CORPS

ADMINISTRATION AND TRAINING

Sec. 62.29¹ Honor graduates of honor military schools as candidates for the United States Military Academy.

(b) An honor graduate, designated as principal, of a selected institution will be appointed a cadet of the United States Military Academy upon the certificate of the head of the institution that the appointee is an honor graduate of that institution of a year for which the institution was designated an honor military school. All honor graduates are appointed subject to the same tests for mental and physical qualifications as are required of other candidates. In the event that the honor graduate designated as principal does not accept the

¹ Revision of paragraph (b) of Section 62.29 of Code of Federal Regulations.

appointment or fails to qualify for admission, the first alternate will, if qualified, be appointed, and in the event that neither the principal nor the first alternate qualifies, the second alternate will, if qualified, be appointed. The honor graduate must, at date of admission to the United States Military Academy, be between the ages of 17 and 22.

(Sec. 40, 39 Stat. 191; sec. 33, 41 Stat. 776; 10 U. S. C. 381.) (40 Stat. 894; 47 Stat. 158; 10 U. S. C. 1091.) (AR 145-10, May 28, 1931; C 2, Oct. 26, 1936; Cir. 71, W. D., 1938.)

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 38-3539; Filed, November 29, 1938; 9:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

INTERSTATE COMMERCE COMMISSION

ORDER IN THE MATTER OF ANNUAL REPORTS FROM SWITCHING AND TERMINAL COMPANIES OF CLASS III

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 22nd day of November, A. D. 1938.

The subject of the requirement of annual reports from switching and terminal companies being under consideration:

It is ordered:

1. That the Order of this Commission dated December 6, 1937¹ in the Matter of Annual Reports from Switching and Terminal Companies of Class III, is hereby annulled.

2. That all switching and terminal companies of Class III subject to the provisions of the Interstate Commerce Act be, and they hereby are, required to file an annual report for the year ending December 31, 1938, and for each succeeding year until further order, in accordance with Annual Report Form D (Small Switching and Terminal Companies), which is hereby approved and made a part of this order.²

It is further ordered, That the annual report shall be filed in duplicate in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

By the Commission, division 4.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 38-3556; Filed, November 28, 1938; 12:22 p. m.]

¹ 2 F. R. 2083 (3243 DI).

² Filed as a part of the original document with the Division of the Federal Register, The National Archives; requests for copies should be addressed to the Interstate Commerce Commission.

[Ex Parte No. MC 5]

ORDER IN THE MATTER OF SECURITY FOR THE PROTECTION OF THE PUBLIC AS PROVIDED IN THE MOTOR CARRIER ACT, 1935, AND OF RULES AND REGULATIONS GOVERNING THE FILING AND APPROVAL OF SURETY BONDS, POLICIES OF INSURANCE, QUALIFICATIONS AS A SELF-INSURER OR OTHER SECURITIES AND AGREEMENTS BY MOTOR CARRIERS AND BROKERS SUBJECT TO THE MOTOR CARRIER ACT, 1935.

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 22nd day of November, A. D., 1938.

The matter of acceptance and approval of surety bonds with individual (personal) sureties under rules and regulations governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements prescribed by our order entered in this proceeding on August 3, 1936,¹ and relating to the matter of security for the protection of the public, being under consideration;

It is ordered, That, surety bonds with individual (personal) sureties will not be accepted and approved under Sections 211 (c) and 215 of the Motor Carrier Act, 1935, and that Rule VI of said rules and regulations prescribed by said order of August 3, 1936, be, and it is hereby, amended to read as follows:

Each certificate or policy of insurance or surety bond filed with the Commission for approval must be for not less than the full limits of liability required under these rules and regulations. *Provided, however,* That only corporations may qualify to act as surety. In each case in which the surety on any such bond is a surety company, such company must be one approved by the United States Treasury Department under the laws of the United States and the applicable rules and regulations governing bonding companies.

By the Commission, Division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 38-3555; Filed, November 28, 1938;
12:22 p. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[Docket No. A-84 O-84]

NOTICE OF HEARING WITH RESPECT TO PROPOSAL TO AMEND ORDER NO. 4, AS AMENDED, REGULATING HANDLING OF

¹ F. R. 1440.

No. 231—2

MILK IN GREATER BOSTON, MASSACHUSETTS, MARKETING AREA, AND WITH RESPECT TO PROPOSAL TO AMEND MARKETING AGREEMENT TENTATIVELY APPROVED JANUARY 18, 1936, AS AMENDED

Whereas, under section 8c of Title I of Public Act No. 10, 73rd Congress, as amended, the Secretary of Agriculture, hereinafter called the Secretary, issued an order regulating the handling of milk in the Greater Boston, Massachusetts, Marketing Area, effective February 9, 1936, which order was amended effective August 1, 1937;¹ and

Whereas, the Secretary tentatively approved a marketing agreement regulating the handling of milk in the said marketing area on January 18, 1936, which marketing agreement was amended July 10, 1937;² and

Whereas, New England Dairies, Inc., New England Milk Producers' Association, Inc., Milton Cooperative Dairy Corporation, Inc., and United Farmers Cooperative Milk Producers Association, Inc., have proposed certain amendments to said order, as amended, and to said tentatively approved marketing agreement, as amended; and

Whereas, the Market Administrator of such order, as amended, has also proposed certain amendments to said order, as amended, and to said tentatively approved marketing agreement, as amended; and

Whereas, the Secretary has reason to believe that an amendment of said order, as amended, and of said tentatively approved marketing agreement, as amended, will tend to effectuate the declared policy of Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937; and

Whereas, under the aforesaid act notice of hearing is required in connection with a proposal to amend an order and the General Regulations, Series A, No. 1, as amended,³ of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for notice and opportunity for hearing upon amendments to marketing agreements and orders;

Now, therefore, pursuant to said act and general regulations, notice is hereby given of a hearing to be held on said proposals to amend the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, Marketing Area, and to amend the tentatively approved marketing agreement, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, Marketing Area, in Fuller Hall, St. Johnsbury, Vermont, at 9:30 a. m., e. s. t., December 3, 1938; in House of Representatives Chamber, State House, Augusta, Maine, at 9:30 a. m., e. s. t.,

¹ 2 F. R. 1331 (1568 DI).

² 2 F. R. 1330 (1567 DI).

³ 1 F. R. 155.

December 5, 1938; in Gardner Auditorium, State House, Boston, Massachusetts, at 9:30 a. m., e. s. t., December 6, 1938, and at such other times and places as the presiding officer may deem necessary.

This public hearing is for the purpose of receiving evidence as to the necessity for (1) revising the minimum prices, (2) changing the method of computing the price for class II milk, (3) providing a price for class II milk made into butter or American cheese during certain delivery periods, (4) redefining "marketing area" and "producer" and defining "receiving plant," (5) clarifying basis of classification and classes of utilization of milk, (6) deleting the provision relating to sales outside the marketing area, (7) amending article V relative to reports of handlers, (8) amending article VI relative to handlers who are also producers, and (9) amending certain other minor provisions so as to clarify the language of the said order and the said tentatively approved marketing agreement.

Copies of the proposals to amend the order and the marketing agreement may be inspected in or procured from Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

Dated November 28, 1938.

[F. R. Doc. 38-3557; Filed, November 28, 1938;
12:25 p. m.]

[39-AAA-1-D]

INSTRUCTIONS FOR HOLDING REFERENDUM ON RICE MARKETING QUOTA FOR THE MARKETING YEAR BEGINNING AUGUST 1, 1939

Pursuant to Section 355 of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is directed to conduct a referendum by secret ballot of producers who would be subject to the national marketing quota for rice for the marketing year beginning August 1, 1939, which will be held on Saturday, December 10, 1938, in order to determine whether they favor or oppose such marketing quota. Such quota will be in effect unless more than one-third of the producers voting in the referendum oppose it.

A. VOTING ELIGIBILITY

1. Every producer (a) who was engaged in the production of rice in 1938 and who on the date of the referendum has available land or equipment suitable for the production of rice in 1939 and has not abandoned or signified his intention to abandon the production of rice in 1939 or (b) who at the time of holding the referendum has made definite arrangements for engaging in the

production of rice in 1939 is entitled to vote. As used herein the term "producer" means an owner-operator, cash or standing-rent tenant, landlord of a share tenant, share tenant, or sharecropper, who is or will be entitled to the whole or a share of the 1939 rice crop or its proceeds.

2. No rice producer (whether an individual partnership, corporation, firm, association, or other legal entity) shall be entitled to more than one vote in the referendum, even though he may engage in 1939 in the production of rice in two or more communities, counties, or States.

3. If a community referendum committee determines that a producer residing in the community within the jurisdiction of that committee is eligible to vote in another community, the committee may issue a ballot to him and permit him to cast a ballot, provided the committee also determines that such producer has not previously cast a ballot in another community. If the committee cannot so determine, the committee shall "challenge" the ballot as hereinafter outlined.

4. There shall be no voting by proxy or agent, but a duly authorized member of a partnership or officer of a corporation, firm, association, or other legal entity shall be allowed to cast its vote.

5. In case several persons, such as husband, wife, and children, have made definite arrangements to engage together in the production of rice in 1939 under a lease or sharecropping agreement, only the person or persons who signed or entered into the lease or sharecropping agreement shall be eligible to vote.

6. If two or more persons have made definite arrangements to engage in producing rice in 1939 as joint tenants, tenants in common, or owner-operators of community property, each such persons is entitled to vote.

B. INSTRUCTIONS TO COUNTY COMMITTEE

The county agricultural conservation committee (hereinafter referred to as the county committee) shall be responsible for the proper holding of the referendum in the county on Saturday, December 10, 1938, and it shall:

1. Designate one readily accessible place for balloting in each community and give public notice of the time and place for balloting by posting a notice on form Rice 301, "Notice—Rice Marketing Quota Referendum", at one or more places open to the public within each community at least 5 days in advance of the date of the referendum. In counties with less than 50 rice producers the county committee may treat the county as one community for the purpose of the referendum and hold the referendum and perform the duties both of county committee and of community referendum committee.

2. Make use (without advertising expense) of all available agencies of public

information, including newspapers and radio, to give rice producers in the county full and accurate public notice of the day and hours of voting, the location of polling places, and the rules governing eligibility to vote. Public notice should be given as soon as practicable after the plans for holding the referendum in the county have been made, but must be given at least 5 days in advance of the date of the referendum.

3. Designate three farmers as members of the community referendum committee in each community to conduct the referendum in such community and name one of the members chairman of the committee. In those communities where the cotton referendum is being held, the county committee may designate one community referendum committee to conduct the referenda on both cotton and rice.

4. See that each community referendum committee is provided with a suitable ballot box.

5. Prepare for each community in the county a list of the names and addresses of all producers in such community who were engaged in the production of rice during 1938. If lists of such persons by communities are already available to the county committee, such lists may be turned over to the community referendum committees.

6. Deliver a supply of forms Rice 302, "1939 Rice Marketing Quota Referendum Ballot", and form Rice 304, "Community Summary of 1939 Rice Marketing Quota Ballots", as well as a supply of blank forms Rice 303, "Register of Ballots—1939 Rice Marketing Quota Referendum," to the chairman of the respective community referendum committee.

7. See to it that the community referendum committees understand their duties as to (a) issuing ballot forms, (b) recording votes on forms Rice 303, (c) tabulating ballots, and (d) certifying results of the referendum in the community.

8. See that appropriate measures are taken to insure that the referendum is conducted by secret ballot.

9. Notify the State committee by telephone or telegraph or in person as soon as possible after the closing of the polls as to the preliminary count of "yes" and "no" votes in the county.

10. Meet not later than 8:30 A. M. Monday, December 12, 1938, for the purpose of receiving and tabulating the data from forms Rice 304 on form Rice 305, "County Summary of 1939 Rice Marketing Quota Ballots." Such meeting shall be open to the public. Four copies of Rice 305, showing the county results, shall be prepared and certified, two copies of which shall be sent to the State agricultural conservation committee (hereinafter referred to as State committee) not earlier than 4 calendar days or later than 6 calendar days after the date of the referendum, one copy posted for 60 days in a conspicuous place accessible to the public in or near the

office of the county committee (hereinafter referred to as the county office), and one copy permanently filed in the county office. One copy of each executed form Rice 304 shall be posted for 60 days in a conspicuous place accessible to the public in or near the county office.

11. Notify the State committee as soon as possible by mail on form Rice 305 as to the final outcome of the referendum in the county.

12. Make an investigation in each case of controversy or dispute regarding eligibility of a voter to vote in the referendum. Where a ballot is contained in a sealed envelope marked "Challenged" by the community referendum committee and bearing the voter's name and a statement of the reason for the challenge, the eligibility of such person shall first be determined. If it is determined that such person is eligible, the envelope shall be opened and the ballot placed with the challenged ballot of every other person found to be eligible and when all the challenged ballots shall have been passed upon by the committee those ballots found to be valid shall be tabulated in the county summary. If it is determined that such person is not eligible, the envelope shall not be opened but shall be preserved with the ballots as provided in paragraph 14 of this section B.

13. Make an investigation in each case of dispute regarding the correctness of the summary of the referendum in a community. No dispute shall be investigated by the county committee unless it is brought to its attention within 3 calendar days after the date on which the referendum was held. The county committee shall promptly decide the dispute and immediately report its finding to the State committee and send by registered mail or deliver in person to the State office all voted ballots, register forms, and community summary sheets involved in the dispute.

14. Seal the voted ballots, challenged ballots found ineligible, register sheets, and community summary sheets for the county in one or more envelopes or packages (marked "Rice Referendum 1939" followed by the name of the county), and place them under lock and key in a safe place under the custody of the secretary of the county agricultural conservation association for a period of 60 calendar days from the date of the referendum. If no notice to the contrary is received by the end of such time, the ballots shall be destroyed and the register and community summary sheets permanently filed in the county office.

C. INSTRUCTIONS TO COMMUNITY REFERENDUM COMMITTEES

Each community referendum committee designated by the county committee shall:

1. Arrange, with the assistance of the county committee, for conducting the referendum by secret ballot.

2. Assist the county committee in giving adequate public notice of the time and place for casting ballots at least 5

days in advance of the date on which the referendum will be held.

3. Provide a place where each eligible producer can prepare and cast a ballot in secret and without interference.

4. Provide a ballot box. Any container so arranged that ballots cannot be seen and cannot be removed without breaking seals on the container will be suitable. If strip adhesive paper or similar seals are used, such seals should be signed or initialed so that breaking or replacing the seal will affect or destroy the identifying marks and show that the seal has been tampered with.

5. Open the polls not later than 9:00 A. M., local standard time, on Saturday, December 10, 1938.

6. Hold the referendum in a fair and unbiased manner and see that appropriate measures are taken to insure that it is conducted by secret ballot.

7. See that no device is used whereby any voter's ballot may be identified (except in the case of a challenged ballot), and instruct each voter as he is handed a ballot form as to the procedure to be followed in casting his ballot and to fold his ballot before he places it in the ballot box after he has marked it to show which way he votes.

8. Issue a ballot to each person who is eligible to vote and to each person who claims to be eligible to vote and insists upon voting even though his eligibility is challenged by the committee. Every unchallenged ballot shall be placed in the ballot box by the person who voted it. In every case where the eligibility of the voter is challenged, his ballot, after being marked by the challenged person, shall be placed (by him, or by the committee if he refuses) in an envelope and shall be sealed and marked with his name, and the word "Challenged", and a statement of the reason for the challenge, and the envelope shall then be placed in the ballot box. The letter "C" shall be entered with a red pencil on form Rice 303 immediately to the left of the name of each person whose vote is challenged.

9. Enter an "X" in the designated column on form Rice 303 beside the name of each producer to whom a ballot is issued and who places his ballot in the ballot box (whether or not his ballot is challenged).

10. Record on form Rice 303 the name and address of each producer to whom a ballot is issued.

11. Close the polls and discontinue acceptance of ballots at 5:00 P. M., local standard time (unless a later hour is fixed by the State committee) on the date of the referendum.

12. Immediately after closing the polls, open the ballot box and canvass the ballots cast, which canvass shall be kept open to the public.

13. Tabulate and record the results of the referendum on form Rice 304. The number of challenged ballots cast shall be entered on form Rice 304 in the space provided and will not be shown as being

either for or against the marketing quota. If any ballot is found to be mutilated or marked in such a way so that it cannot be determined whether the voter approved or opposed the marketing quota, it shall not be counted as a ballot cast, but the number of such spoiled ballots shall be entered in the space provided, and such ballots placed in an envelope marked "Spoiled Ballots", followed by the designation of the community.

14. Certify to the accuracy of the executed forms Rice 303 and 304 by signing in the spaces provided.

15. Notify the county committee by telephone or in person as soon as possible after the closing of the polls as to the preliminary count of "yes" and "no" votes in the community.

16. Seal the voted ballots (including those challenged), the spoiled ballots, the register sheet, and the community summary in one or more envelopes appropriately identified by the designation of the community and deliver them to the county committee not later than 8:30 A. M., Monday, December 12, 1938, with the unused ballots and other forms. The chairman of the community referendum committee shall be responsible for the safe delivery of such reports, ballots, and forms to the county committee.

17. Post an executed copy of form Rice 304, as soon as it is executed, at a conspicuous place at the polling place and see that it remains posted and accessible to the public for at least 3 calendar days after the date of the holding of the referendum.

D. INSTRUCTIONS TO STATE COMMITTEE

The State committee shall be in charge of and responsible for the conducting of the referendum in the State and shall:

1. Summarize on form Rice 306, "State Tabulation of 1939 Rice Marketing Quota Ballots", the information contained on the forms Rice 305 reported to it and forward via air mail special delivery two fully executed forms Rice 306 to the applicable regional director, Agricultural Adjustment Administration, Washington, D. C., not later than 10 calendar days after the date of the referendum. If one sheet proves insufficient for listing the information with respect to all counties in the State, additional sheets properly numbered and identified and securely attached to the first sheet may be used for continuation, in which case totals and signatures should be entered only on the last sheet. One fully executed copy of each form Rice 305 and form Rice 306 shall be permanently filed in the State office of the Agricultural Adjustment Administration.

2. Complete the investigation of any report from any county regarding controversies, irregularities, or the correctness of summaries of the referendum, not later than 10 calendar days after the date of the referendum, and forward its findings in such cases to the applicable regional director.

E. INSTRUCTIONS APPLICABLE TO THE TERRITORY OF HAWAII

In the event State and county agricultural conservation committees have not been established in the Territory of Hawaii, the Officer in Charge, Agricultural Adjustment Administration, Territory of Hawaii, shall perform the duties of both the State and county committees as set forth in sections "B" and "L" of these instructions.

F. RESULTS OF REFERENDUM

Final and official tabulation of the votes cast in the referendum will be made by the Agricultural Adjustment Administration and the result of the referendum announced by the Secretary of Agriculture. The reports on Rice 306 and related papers shall be permanently filed with such tabulation and shall remain available for public inspection.

Each county committee is authorized to give out unofficial reports of the total "yes" and total "no" votes in its county to the public press and to other inquirers. The State committee is authorized to release to the press and other inquirers the unofficial results of the referendum for the respective State by counties as rapidly as the votes in the various counties are tabulated.

If the Administrator of the Agricultural Adjustment Administration or the Secretary of Agriculture deems it necessary, the report of any community referendum committee, county committee, or State committee shall be reexamined and checked by such persons or agencies as may be designated.

Done at Washington, D. C., this 9th day of November 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-3559; Filed, November 28, 1938; 12:25 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF CHANGE IN DATE OF HEARING ON PROPOSED AMENDMENTS OF SECTIONS 536.1 AND 536.2 (AREA OF PRODUCTION) OF REGULATIONS ISSUED UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Whereas, on the 22nd day of November, 1938, Notice of Hearing¹ on the Proposed Amendments of Sections 536.1 and 536.2 (Area of Production) of Regulations Issued Under the Fair Labor Standards Act of 1938, was duly issued by Elmer F. Andrews, Administrator, Wage and Hour Division, United States Department of Labor, to commence on December 14, 1938 at 10 o'clock A. M. at the Raleigh Hotel, Twelfth Street and Pennsylvania Avenue, Washington, D. C., before Mr. Merle D. Vincent, the presid-

¹ F. R. 2773 DI.

ing officer designated, on the following question:

What, if any, amendment should be made of Section 536.1 or Section 536.2 of the regulations issued under the Fair Labor Standards Act of 1938 in respect to the definition of "area of production" for fresh fruits and vegetables.

Now take notice that said Hearing has been postponed to the 19th day of December, 1938, at 10 o'clock A. M., at the said designated place.

Signed at Washington, D. C., this twenty-eighth day of November, 1938.

PAUL SIFTON,
Deputy Administrator.

[F. R. Doc. 38-3569; Filed, November 28, 1938;
1:08 p. m.]

IN RE: APPLICATION OF THE NATIONAL ASSOCIATION OF HOSIERY MANUFACTURERS, THE UNDERWEAR INSTITUTE, AND SUNDRY OTHER PARTIES PURSUANT TO SECTION 14 OF THE FAIR LABOR STANDARDS ACT OF 1938 AND RULES AND REGULATIONS ISSUED THEREUNDER FOR PERMISSION TO EMPLOY LEARNERS IN THE KNITTED WEAR AND HOSIERY INDUSTRY AT WAGE RATES LESS THAN THE APPLICABLE MINIMUM SPECIFIED IN SECTION 6

NOTICE OF HEARING

Whereas, application has been made by the National Association of Hosiery Manufacturers, the Underwear Institute, and sundry other parties under Section 14 of the Fair Labor Standards Act of 1938, 52 Stat. 1060, and Regulations—Part 522, as amended,—(Regulations Applicable to the Employment of Learners pursuant to Section 14 of the Fair Labor Standards Act) issued by the Administrator thereunder for permission to employ learners in the knitted wear and hosiery industry at wages less than the applicable minimum wage specified in Section 6 of the Act;

Now, therefore, pursuant to the Act and the Regulations, notice is hereby given of a public hearing to be held on said application at the Raleigh Hotel, located at Pennsylvania Avenue and 12th Street, Washington, D. C., to commence at 10 A. M., on December 14, 1938, to take testimony for the purpose of determining:

(a) What if any occupation or occupations in the knitted wear and hosiery industry require a learning period, and

(b) Whether it is necessary in order to prevent curtailment of opportunities for employment to provide for the employment of persons in occupations requiring a learning period at wage rates lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938, and

(c) If such necessity is found to exist, at what wages lower than the minimum

wage applicable under Section 6, such employment of learners shall be permitted, and with what limitations as to time, number, proportion and length of service.

At this hearing, learner applications will be considered and acted upon on the basis of the needs of the employees and the employers in the industry as a whole rather than on the basis of the needs of individual employees or employers of the industry. Opportunity will be afforded to interested parties to present evidence relevant to the foregoing inquiry. All persons or associations desiring to avail themselves of this opportunity should, if possible, notify the Administrator in advance by telegraph.

Pursuant to authority vested in the Administrator by the Fair Labor Standards Act of 1938, Mr. Merle D. Vincent is hereby designated as presiding officer to conduct the said hearing and to determine:

(a) What if any occupation or occupations in the knitted wear and hosiery industry require a learning period, and

(b) Whether it is necessary in order to prevent curtailment of opportunities for employment, to provide for the employment of persons in occupations requiring a learning period at wage rates lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938, and

(c) If such necessity is found to exist, at what wages lower than the minimum wage applicable under Section 6, such employment of learners shall be permitted, and with what limitations as to time, number, proportion and length of service.

As used in this notice, the term "knitted wear and hosiery" industry includes men's, women's, infants' and children's knitted apparel, accessories and hosiery.

Signed at Washington, D. C., this twenty-eighth day of November, 1938.

PAUL SIFTON,
Deputy Administrator.

[F. R. Doc. 38-3570; Filed, November 28, 1938;
1:08 p. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 57-401(E)-1]

AIRLINE FEEDER SYSTEM, INC.

APPLICATION UNDER SECTION 401 (E) FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE TRANSPORTATION BY AIR OF PASSENGERS AND PROPERTY BETWEEN NEWARK, NEW JERSEY, AND WESTFIELD, MASSACHUSETTS, VIA BRIDGEPORT, NEW HAVEN, AND HARTFORD, CONNECTICUT

NOVEMBER 26, 1938.

The above-entitled proceeding is assigned for public hearing on December 5, 1938, 10 o'clock a. m. (eastern standard time), at the offices of the Civil Aeronautics Authority, Washington, D. C.,

before Examiner R. J. Bartoo (Hearing Room 951, The Earle Building).

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 38-3544; Filed, November 28, 1938;
10:49 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-111]

APPLICATION OF IROQUOIS GAS CORPORATION

ORDER SETTING DATE OF HEARING

NOVEMBER 25, 1938.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, John W. Scott. Basil Manly not participating.

Upon application filed October 12, 1938, by the Iroquois Gas Corporation of Buffalo, New York, for an order of the Commission authorizing the exportation of natural gas from the States of Pennsylvania and New York to the Provincial Gas Company, Ltd., of Ontario, for sale and distribution in the Dominion of Canada; and

It appearing that: A public hearing should be held upon said application to enable the Commission to determine whether the proposed exportation will be consistent with the public interest;

Now, therefore, the Commission orders that: A public hearing on said application be held on December 14, 1938, at 10:00 A. M., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 38-3540; Filed, November 28, 1938;
9:47 a. m.]

[Docket No. IT-5015]

IN THE MATTER OF METROPOLITAN EDISON CO., NORTHERN PENNSYLVANIA POWER CO., PENNSYLVANIA ELECTRIC CO., ERIE LIGHTING CO., THE CLARION RIVER POWER CO., AND SOLAR ELECTRIC CO.

ORDER POSTPONING HEARING

NOVEMBER 25, 1938.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, John W. Scott. Basil Manly not participating. It appearing to the Commission that:

(a) On October 22, 1938, the Commission, by order, assigned the matters involved in the above investigation for hearing on December 1, 1938;

(b) Due to unforeseen conditions and circumstances, it will be impossible to proceed with the hearing in this matter now assigned for December 1, 1938;

The Commission orders that: The hearing upon the matters specified in the order of the Commission under date of October 22, 1938, be postponed from December 1, 1938, to December 14, 1938, at 10 a. m., in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 38-3541; Filed, November 28, 1938;
9:47 a. m.]

[Docket No. IT-5527]

APPLICATION OF KENTUCKY UTILITIES COMPANY AND LEXINGTON UTILITIES COMPANY

ORDER FIXING DATE OF HEARING

NOVEMBER 25, 1938.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, John W. Scott. Basil Manly not participating.

Upon application filed September 26, 1938, pursuant to Section 203 (a) of the Federal Power Act, by Kentucky Utilities Company and Lexington Utilities Company, both being Kentucky corporations domiciled at Lexington, Kentucky, for an order authorizing the merger or consolidation of all of their respective facilities subject to the jurisdiction of this Commission; and

Upon application filed October 13, 1938, pursuant to Section 8 of the Federal Power Act, by the said Kentucky Utilities Company and said Lexington Utilities Company, for an order authorizing the transfer of the license, being

License granted to Kentucky Hydro Electric Company, August 19, 1926, for Project No. 539 (Kentucky) and assigned to Kentucky Utilities Company,

to a consolidated corporation to be known as "Kentucky Utilities Company";

The Commission orders that: A public hearing on said applications be held on December 12, 1938, at 10 a. m., in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 38-3542; Filed, November 28, 1938;
9:48 a. m.]

[Docket No. IT-5528 and Project No. 1001]

APPLICATIONS OF PORTLAND GENERAL ELECTRIC COMPANY AND MT. HOOD ELECTRIC COMPANY

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

NOVEMBER 25, 1938.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, John W. Scott. Basil Manly not participating.

Upon the application filed November 14, 1938, by Mt. Hood Electric Company, licensee under the license for the project designated on the records of the Commission as Project 1001, for an order authorizing and approving the assignment and transfer of its plant and system and of said license to Portland General Electric Company and joining in the application filed September 27, 1938, by Portland General Electric Company for an order authorizing purchase of said system and plant and merger thereof into its own facilities and transfer of said license;

And it appearing that: On November 8, 1938, the Commission ordered that a hearing on the aforesaid application filed September 27, 1938, be held on the 29th day of November, 1938, beginning at 10 o'clock a. m. in the Commission's hearing room, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.;

The Commission orders that:

(A) Proceedings on the aforesaid application, filed November 14, 1938, be consolidated with proceedings on the aforesaid application, filed September 27, 1938;

(B) That a hearing at the time and place heretofore fixed, as stated above, be held on both the said applications.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 38-3543; Filed, November 28, 1938;
9:48 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before
Federal Trade Commission

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 25th day of November, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[File No. 21-326]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE WOOL INDUSTRY

NOTICE OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), or other applicable provisions of law administered by the Commission;

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, as-

sociations, groups or other parties affected by or having an interest in the proposed trade practice rules for the Wool Industry to present to the Commission, orally or in writing, their views upon the same, including such pertinent information, suggestions or objections, if any, as they desire to submit. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Written communications of such matters should be filed with the Commission not later than December 14, 1938. Opportunity for oral hearing and presentation will be afforded at 10 a. m., December 14, 1938, in Room 332, Federal Trade Commission Building, Constitution Avenue at 6th Street, Washington, D. C., to any such persons, partnerships, corporations, associations, groups or other parties as may desire to appear and be heard. After giving due consideration to all matters submitted concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-3531; Filed, November 25, 1938;
2:36 p. m.]

United States of America—Before
Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of November, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3269]

IN THE MATTER OF WALDES KOH-I-NOOR, INC., A CORPORATION, AND THE GREY ADVERTISING AGENCY, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Edward E. Reardon, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, December 22, 1938, at ten o'clock in the forenoon of that day (eastern standard time) in Room 2301, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take

testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-3547; Filed, November 28, 1938;
11:36 a. m.]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of November, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3288]

IN THE MATTER OF POPPER & KLEIN, A CORPORATION, ALSO TRADING AS PERFECTUM PRODUCTS COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Edward E. Reardon, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, December 9, 1938, at ten o'clock in the forenoon of that day (eastern standard time) in Room 2301, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-3548; Filed, November 28, 1938;
11:36 a. m.]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of November, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3424]

IN THE MATTER OF CANADIAN FUR TRAPPERS CORPORATION, A CORPORATION, AND DANIEL DORNFIELD, JACOB DORNFIELD, AND MORRIS DORNFIELD, AS INDIVIDUALS, AND AS OFFICERS OF SAID CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Edward E. Reardon, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, December 12, 1938, at ten o'clock in the forenoon of that day (eastern standard time) in Room 2301, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-3549; Filed, November 28, 1938;
11:36 a. m.]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of November, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3561]

IN THE MATTER OF ASSOCIATED NEWS PHOTOGRAPHIC SERVICE, INC., AND BLACKSTONE STUDIOS, INC., LEO FRIED, PRESIDENT, ASSOCIATED NEWS PHOTOGRAPHIC SERVICE, INC., AND BLACKSTONE STUDIOS, INC.; WILLIAM SHAPIRO, VICE PRESIDENT, ASSOCIATED NEWS PHOTOGRAPHIC SERVICE, INC., AND BLACKSTONE STUDIOS, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Con-

gress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Edward E. Reardon, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, December 20, 1938, at ten o'clock in the forenoon of that day (eastern standard time) in Room 2301, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-3550; Filed, November 28, 1938;
11:37 a. m.]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of November, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3572]

IN THE MATTER OF CLARENCE B. COUNCIL, TRADING AS STATISTICAL RESEARCH BUREAU AND METALS AND MINERALS RESEARCH BUREAU

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, December 5, 1938, at ten o'clock in the forenoon of that day (Pacific Standard Time), in Room 548, Federal Office Building, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The ex-

aminer will then close the case and make his report upon the evidence.
By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-3551; Filed, November 28, 1938;
11:37 a. m.]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of November, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3615]

IN THE MATTER OF CLAIROL, INC., A CORPORATION, JOAN GELB, PRESIDENT, CLAIROL, INC., AND LEON A. SPILO, VICE PRESIDENT, CLAIROL, INC., AND MORRIS GELB, SECRETARY, CLAIROL, INC.

ORDER APPOINTING EXAMINER AND FIXING
TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, That Edward E. Reardon, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, December 16, 1938, at ten o'clock in the forenoon of that day (eastern standard time) in Room 2301, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-3552; Filed, November 28, 1938;
11:37 a. m.]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of November, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3618]

IN THE MATTER OF BERKELEY STUDIOS INTERNATIONAL PRESS SERVICE, INC., FRED FRIEDWALD, PRESIDENT AND TREASURER, BERKELEY STUDIOS INTERNATIONAL PRESS SERVICE, INC.

ORDER APPOINTING EXAMINER AND FIXING
TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, That Edward E. Reardon, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, December 28, 1938, at ten o'clock in the forenoon of that day (eastern standard time) in Courtroom Number Four, United States Post Office Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-3553; Filed, November 28, 1938;
11:38 a. m.]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of November, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3635]

IN THE MATTER OF SHAW & DAVIS, INC., ABNER SHAW, PRESIDENT, SHAW & DAVIS, INC., JANET SHAW, VICE PRESIDENT, SHAW & DAVIS, INC.

ORDER APPOINTING EXAMINER AND FIXING
TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, That Edward E. Reardon, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, December 14, 1938, at ten o'clock in the forenoon of that day (eastern standard time) in Room 2301, United States Court House, Foley Square, New York, New York.

Upon completion of the testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-3554; Filed, November 28, 1938;
11:38 a. m.]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of November, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3633]

IN THE MATTER OF CORN PRODUCTS REFINING COMPANY, CORN PRODUCTS SALES COMPANY, INC.

ORDER APPOINTING EXAMINER AND FIXING
TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., Section 41), and (49 Stat. 1526, U. S. C. A., Section 13, as amended).

It is ordered, That Charles F. Diggs, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, December 5, 1938, at ten o'clock in the forenoon of that day (eastern standard time), in Room 2303, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-3561; Filed, November 28, 1938;
12:53 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of November, A. D. 1938

[File No. 43-136]

IN THE MATTER OF WEST PENN POWER COMPANY

SUPPLEMENTAL ORDER UNDER PUBLIC UTILITY HOLDING COMPANY ACT OF 1935—SECTION 7

A declaration of West Penn Power Company, a subsidiary company of American Water Works and Electric Company, Incorporated, a registered holding company, having by previous order of this Commission herein under date of August 12, 1938¹ been permitted to become effective with the exception that the Commission in said order of August 12, 1938 reserved jurisdiction to determine, at a later date, whether certain fees to be paid to W. C. Langley & Co. were or were not reasonable;

The Commission having given further consideration to the record in this matter:

It is ordered, That the Commission hereby relinquishes jurisdiction over the matter of such fees; and

It is further ordered, That the third paragraph of the Commission's order of August 12, 1938 which reads

"It is further ordered that no fees be paid to W. C. Langley & Co. pending further order of this Commission"

be no longer in effect.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-3565; Filed, November 28, 1938; 12:56 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of November, A. D., 1938.

[File No. 32-114]

IN THE MATTER OF MADISON GAS AND ELECTRIC COMPANY

ORDER EXEMPTING ISSUE AND SALE OF BONDS

Madison Gas and Electric Company, a subsidiary of American Light & Traction Company and The United Light and Power Company, both registered holding companies, has filed an application pursuant to the provisions of Section 6 (b) of the Public Utility Hold-

ing Company Act of 1935, for exemption from the provisions of Section 6 (a) of the Act, of the issue and sale of \$1,000,000 principal amount of its First Mortgage Bonds, 4% Series, due 1960.

A hearing on the application having been duly held¹ after appropriate notice; the record in this matter having been duly considered; and the Commission having made and filed its findings herein;

It is ordered, That the issue and sale of the aforesaid securities be and the same are hereby exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935, subject to the following conditions:

1. That all matters in connection with the issue and sale of said bonds shall be performed in all respects as set forth in, and for the purposes represented by the application as amended.

2. That within ten days after the issue and sale of said bonds the applicant shall file with the Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions of, and for the purposes represented by said application, as amended.

3. That such exemption shall immediately terminate without further order of this Commission if at any time the authorization of the issue and sale of the bonds by the Public Service Commission of Wisconsin shall be revoked or otherwise terminate.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-3568; Filed, November 28, 1938; 12:56 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of November, A. D. 1938.

[File No. 32-116]

IN THE MATTER OF THE CONNECTICUT LIGHT & POWER COMPANY

ORDER

The Connecticut Light & Power Company, a subsidiary of United Gas Improvement Company, a registered holding company, having filed an application under Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of the Act in regard to the issue and sale of \$15,000,000 principal amount of First and Refunding Mortgage Three and One-quarter Percent Bonds, Series H (due December 1, 1968), the issue and sale of such securities having been expressly authorized by the Public Utilities Commis-

sion of the State of Connecticut, and the applicant having consented to the issuance of such order or orders by the Commission under Section 12 (c) and/or 20 (a) as will give assurance that the applicant will fulfill the obligation which it has assumed to set aside annually 12½ per centum of its gross income for depreciation and maintenance;

Public hearings on this matter having been held¹ after appropriate notice, the Commission having considered the record in this matter and having made and filed its findings herein;

It is ordered, That the issue and sale of the aforesaid First and Refunding Mortgage Three and One-quarter Percent Bonds, Series H, in accordance with the terms and conditions set forth in, and for the purposes represented by, the said application be and the same hereby are exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935, subject, however, to the following conditions:

(a) That if the express authorization of the issue and sale of such securities by the Public Utilities Commission of Connecticut shall be revoked, or shall otherwise terminate, this exemption shall immediately terminate without further order of this Commission;

(b) That all matters in connection with said application shall be performed in all respects as set forth in and for the purposes represented by said application, provided, however, that no fee shall be paid to Putnam & Company or to Charles W. Scranton & Company, in connection with the issue and sale of such First and Refunding Mortgage Three and One-quarter Percent Bonds pending further order of this Commission; and

(c) That within ten days after the issue and sale of such securities the applicant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions of, and for the purposes represented by, said application, and in accordance with the terms of this order.

It is further ordered, That the Commission reserves jurisdiction to determine, at a later date, whether the fee to be paid to Putnam & Company and to Charles W. Scranton & Company, in connection with the issue and sale of the First and Refunding Mortgage Three and One-quarter Percent Bonds, Series H, is or is not reasonable.

It is further ordered, Pursuant to the provisions of Sections 12 (c) and 20 (a), that the applicant shall declare and pay no dividends on its common stock after January 1, 1938 unless such applicant shall have set aside for depreciation and maintenance an amount equal to 12½ per centum of its gross operating revenues from the sale of services in accordance with the following obligation

¹ 3 F. R. 1993 DI.

¹ 3 F. R. 2653 DI.

¹ 3 F. R. 2731 DI.

which has been assumed by the applicant:

"As long as any Series H bonds are outstanding, the Company shall charge to income during each year beginning January 1, 1938 for the maintenance and replacement of its properties, an amount equivalent to not less than twelve and one-half per cent of its gross operating revenues from the sale of service during such year, any portion of such aggregate amount not actually expended for current maintenance during any twelve months' period ending December 31 in any year shall be segregated in the retirement reserve account which shall in subsequent years be used only for maintenance expenditures or for replacements and renewals in excess of the twelve and one-half per cent. If during any such year the provision of the Company for maintenance, replacements and renewals should in the aggregate exceed an amount equivalent to twelve and one-half per cent of its gross operating revenues from the sale of service during said year, any such excess may be credited upon the twelve and one-half per cent requirement in subsequent years."

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-3567; Filed, November 28, 1938;
12:56 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of November 1938.

[File No. 1-862]

IN THE MATTER OF MINNEAPOLIS, ST. PAUL & SAULT STE MARIE RAILWAY COMPANY—4% LEASED LINE STOCK CERTIFICATES, 7% NON-CUMULATIVE PREFERRED STOCK, \$100 PAR VALUE, COMMON STOCK, \$100 PAR VALUE, AND CENTRAL TERMINAL RAILWAY COMPANY CHICAGO TERMINAL FIRST MORTGAGE 4% THIRTY-YEAR GOLD BONDS DUE NOVEMBER 1, 1941

ORDER SETTING HEARING ON APPLICATIONS TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 4% Leased Line Stock Certificates, 7% Non-Cumulative Preferred Stock, \$100 Par Value, Common Stock, \$100 Par Value, and Central Terminal Railway Company Chicago Terminal First Mortgage 4% Thirty-Year Gold Bonds due November 1, 1941, of Minneapolis, St. Paul & Sault Ste Marie Railway Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Tuesday, December 20, 1938, at the office of the Securities and Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-3566; Filed, November 28, 1938;
12:56 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28 day of November, A. D. 1938.

[File No. 43-163]

IN THE MATTER OF FEDERAL LIGHT & TRACTION COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on December 14, 1938, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to

continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 9, 1938.

The matter concerned herewith is in regard to the issue and sale of \$1,500,000 collateral promissory notes of the declarant to Irving Trust Company, No. 1 Wall Street, New York, N. Y., the proceeds to be used to discharge declarant's 3½% collateral promissory note dated February 18, 1938, due February 1, 1939 and payable to The Chase National Bank of the City of New York in the principal amount of \$1,500,000.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-3563; Filed, November 28, 1938;
12:55 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of November, A. D. 1938.

[File No. 7-235]

IN THE MATTER OF MARKET STREET RAILWAY COMPANY COMMON STOCK, \$100 PAR VALUE; 6% CUMULATIVE PRIOR PREFERENCE STOCK, \$100 PAR VALUE; 6% CUMULATIVE PREFERRED STOCK, \$100 PAR VALUE; AND 6% NON-CUMULATIVE SECOND PREFERRED STOCK, \$100 PAR VALUE

ORDER

The San Francisco Stock Exchange having made application to the Commission pursuant to Section 12 (f) (3) of the Securities Exchange Act of 1934, as amended, for permission to extend unlisted trading privileges to the Market Street Railway Company Common Stock, \$100 Par Value, 6% Cumulative Prior Preference Stock, \$100 Par Value, 6% Cumulative Preferred Stock, \$100 Par Value, and 6% Non-Cumulative Second Preferred Stock, \$100 Par Value; and a hearing having been held in this matter after appropriate notice; and the Commission having made and filed its findings therein and having on August 11, 1938, denied the application; and

The San Francisco Stock Exchange having applied to the Commission for a rehearing with respect to the extension of unlisted trading privileges to the 6% Cumulative Prior Preference Stock; and a rehearing having been held in this matter after appropriate notice; and the

13 F. R. 1108 DL

Commission having this day made and filed its findings herein;

It is ordered, That the order of this Commission dated August 11, 1938, denying the application stand as the order of the Commission in this proceeding.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-3562; Filed, November 28, 1938;
12:55 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of November, A. D. 1938.

[File No. 43-165]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF COLORADO

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on December 12, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 9, 1938.

The matter concerned herewith is in regard to the issue and sale of the following securities:

First Mortgage Bonds:	
% Series due 1963	\$40,000,000
% Sinking Fund Debentures due 1948	\$10,000,000
% Cumulative First Preferred Stock Series of 1948 (\$100 par)	\$5,000,000

The declaration states that the afore-described Bonds, Debentures and Preferred Stock are to be issued and sold solely for the purpose of refunding or discharging outstanding securities of the Declarant and/or its predecessor companies listed hereafter and for the purpose of financing the business of the Declarant as a public utility company.

To the redemption, at 105% of the principal amount, on May 1, 1939, of \$5,298,900 principal amount of The Denver Gas and Electric Company's General Mortgage 5% Gold Bonds, due May 1, 1940 (exclusive of accrued interest)-----

\$5,563,845.00

To the redemption, at 105% of the principal amount, on May 1, 1939, of \$6,297,300 principal amount (exclusive of \$3,026,700 principal amount in sinking fund) of The Denver Gas and Electric Light Company's First and Refunding Mortgage 5% Sinking Fund Gold Bonds, due May 1, 1951 (exclusive of accrued interest)-----

6,612,165.00

To the redemption, at 105% of the principal amount, on May 1, 1939, of \$3,579,900 principal amount of The Colorado Power Company's First Mortgage 5% Gold Bonds, due May 1, 1953 (exclusive of accrued interest)-----

3,758,895.00

To the redemption, at 103.50% of the principal amount, on January 1, 1939, of \$3,541,900 principal amount of the Company's First Mortgage and Refunding Gold Bonds; Series A, 6%, due September 1, 1953 (exclusive of accrued interest)-----

3,665,866.50

To the redemption, at 103% of the principal amount, on January 1, 1939, of \$11,987,100 principal amount of the Company's First Mortgage and Refunding Gold Bonds, Series B, 5½%, due September 1, 1954 (exclusive of accrued interest)-----

12,346,713.00

To the redemption, at 104.50% of the principal amount, on January 1, 1939, of \$10,345,500 principal amount of the Company's First Mortgage and Refunding Gold Bonds, Series C, 6%, due November 1, 1961 (exclusive of accrued interest)-----

10,811,047.50

To the redemption, at 101% of the principal amount, on January 1, 1939, of \$3,162,700 principal amount of the Company's Twenty Year 6% Gold Debentures, due May 1, 1946 (exclusive of accrued interest)-----

3,194,327.00

To the payment of the Company's 4% Secured Notes payable to The Chase National Bank of the City of New York aggregating \$4,500,000 principal amount, plus a prepayment premium of \$11,250 (exclusive of accrued interest)-----

4,511,250.00

To the payment or reimbursement for the payment of equipment notes outstanding at September 30, 1938-----

366,222.00

To the payment of the company's \$2,190,000 6% Notes payable to Cities Service Power & Light Company, without premium, less \$158,792.29 credit allowed by such parent company, representing difference between redemption prices and book costs of \$962,400 principal amount of funded debt owned by such parent company included in above items to be redeemed (exclusive of accrued interest)-----

2,031,207.71

52,861,538.71

Detailed information as to interest and dividend rates on the new securities and redemption dates is to be supplied by amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-3564; Filed, November 28, 1938;
12:55 p. m.]

UNITED STATES MARITIME COMMISSION.

[No. 486]

ORDER IN RE (1) APPLICATION OF THE BALTIMORE MAIL STEAMSHIP COMPANY FOR AMENDMENT OF THE ORDER OF JUNE 7, 1938, RELATING TO TRANSFER OF CERTAIN VESSELS OWNED BY IT TO INTERCOASTAL TRADE; (2) APPLICATION OF MATSON NAVIGATION COMPANY FOR WRITTEN PERMISSION TO CHARTER A VESSEL OWNED BY IT FOR OPERATION BY THE BALTIMORE MAIL STEAMSHIP COMPANY IN INTERCOASTAL TRADE; AND (3) APPLICATION OF UNITED STATES LINES COMPANY FOR PERMISSION TO CHARTER THE SS. WASHINGTON FOR OPERATION BY THE BALTIMORE MAIL STEAMSHIP COMPANY ON A SINGLE VOYAGE IN INTERCOASTAL TRADE

At a session of the United States Maritime Commission, held at its office in Washington, D. C., on the 23d day of November 1938.

It appearing, That the United States Lines Company has heretofore entered into an Operating-Differential Subsidy Agreement with the United States Maritime Commission pursuant to the provisions of Title VI of the Merchant Marine Act, 1936;¹

It further appearing, That The Baltimore Mail Steamship Company is a subsidiary, affiliate, or associate company of the said United States Lines Company within the meaning of Section 805 (a) of said Act,² and that, pursuant to application of said The Baltimore Mail Steamship Company, the Commission by Order dated June 7, 1938, granted written permission to said company to operate in intercoastal trade the five vessels named in its application, namely, *City of Baltimore*, *City of Norfolk*, *City of Hamburg*, *City of Haare*, and *City of Newport News*;

¹ 49 Stat. 2001.

² 49 Stat. 2012.

It further appearing, That said The Baltimore Mail Steamship Company has applied for an amendment of said Order so as to provide that it may operate on its present intercoastal route its five named vessels and such owned or chartered substitute and/or additional vessels of similar carrying capacity as may be necessary from time to time in order to maintain a service of one sailing each week without interruption, and that said company has also applied for written permission to operate under charter from the United States Lines Company for one round trip commencing February 11, 1939, from New York to the Pacific Coast and return the S. S. *Washington*, the proposed voyage to be in the intercoastal service of The Baltimore Mail Steamship Company and to be in substitution for the voyage of the vessel regularly scheduled for sailing on that date;

It further appearing, That The Oceanic Steamship Company has heretofore entered into an Operating-Differential Subsidy Agreement with the United States Maritime Commission pursuant to the provisions of Title VI of the Merchant Marine Act, 1936;

It further appearing, That said The Oceanic Steamship Company is a wholly owned subsidiary of Matson Navigation Company, and that said Matson Navigation Company has applied for written permission to charter to The Baltimore Mail Steamship Company for operation in its present intercoastal route the S. S. *Maul*, such application being conditioned upon the granting of the aforesaid application of The Baltimore Mail Steamship Company;

It further appearing, That the United States Lines Company has applied for written permission to charter to The Baltimore Mail Steamship Company for operation on one round trip commencing February 11, 1939, from New York to the

Pacific Coast and return the S. S. *Washington*, the proposed voyage to be in the intercoastal service of The Baltimore Mail Steamship Company and to be in substitution of the voyage for the vessel regularly scheduled for sailing on that date;

It is ordered, That in accordance with the provisions of Section 805 (a) of the Merchant Marine Act, 1936, and for the purposes stated therein, a public hearing be held before such member or members of the Commission or such Examiner as the Commission may designate, in the Main Auditorium, Department of Commerce Building, Washington, D. C., on Thursday, December 1, 1938, beginning at 11:00 A. M.

It is further ordered, That the person or persons designated as aforesaid to conduct such hearing may, at the request of any interested party, conduct at the time above stated a separate hearing upon one or more of the aforesaid applications limiting the testimony received to the issues presented thereby, and may adjourn or continue, from time to time as may be deemed advisable, such hearing or hearings so held upon any one or more of such applications.

It is further ordered, That, subject to provisions of Section 805 (a) of said Act, the rules of procedure to be observed at this hearing shall be those new in effect with respect to regulatory proceedings before the Commission.

It is further ordered, That a copy of this Order be served upon the United States Lines Company, the Baltimore Mail Steamship Company, Matson Navigation Company, and the Operators engaged in the intercoastal trade named in Appendix A attached hereto and made a part hereof.

By the Commission.

[SEAL]

RUTH GREENE,
Assistant Secretary.

APPENDIX "A"

American-Hawaiian Steamship Company, 90 Broad St., New York, N. Y.
(Arrow Line) Sudden & Christenson, 310 Sansome St., San Francisco, Calif.
California Eastern Line, Inc., Porter Bldg., Portland, Ore.
Calmar Steamship Corporation, 25 Broadway, New York, N. Y.
Dollar Steamship Lines Inc., Ltd., 311 California St., San Francisco, Calif.
(Grace Line) Panama Mail Steamship Company, 10 Hanover Square, New York, N. Y.
Isthmian Steamship Company, 100 West 10th St., Wilmington, Del.
Luckenbach Gulf Steamship Company, Inc., 120 Wall St., New York, N. Y.
Luckenbach Steamship Company, Inc., 120 Wall St., New York, N. Y.
McCormick Steamship Company, 461 Market St., San Francisco, Calif.
Pacific Coast Direct Line, Inc., 21-24 State St., New York, N. Y.
(Quaker Line) Pacific-Atlantic Steamship Co., Porter Bldg., Portland, Ore.
States Steamship Company (California-Eastern Line), Porter Bldg., Portland, Ore.
American Foreign Steamship Corporation, 80 Broad St., New York, N. Y.
Bulk Carriers Corporation, 80 Broad St., New York, N. Y.
Shepard Steamship Company, 40 Central St., Boston, Mass.
Weyerhaeuser Steamship Company, P. O. Box 629, Newark, N. J.
Gulf Pacific Mail Line, Ltd., 215 Market St., San Francisco, Calif.
Swayne & Hoyt, Ltd. (Gulf Pacific Line), 215 Market St., San Francisco, Calif.
The Union Sulphur Company, 33 Rector St., New York, N. Y.

[F. R. Doc. 38-3560; Filed, November 28, 1938; 12:33 p. m.]

